

REMARKS

This communication is in response to the Office Action mailed on May 19, 2005. In the Office Action, claims 1-18 were pending and were rejected.

The Office Action first reports that the drawings were objected to under 37 CFR 1.83(a) because FIG. 15 was of poor quality. Applicant has filed a replacement sheet herewith illustrating FIG. 15 and respectfully requests that the objection to the drawings be withdrawn.

Additionally, the abstract was objected to because it uses the legal term "invention". Applicant has amended the abstract to overcome the cited objection. Withdrawal of this objection is respectfully requested.

The Office Action next reports that claims 1-3 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by McInerney (U.S. Pat. No. 5,911,367). Further, claims 11, 12 and 18 were also rejected under 35 U.S.C. §102(b) as being anticipated by Golds et al. (U.S. Pat. No. 5,356,412, hereinafter "Golds").

On page 4 of the Office Action, claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over McInerney in view of Christian et al. (U.S. Pat. No. 6,003,208, hereinafter "Christian"). Claims 1, 3 and 5 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Prete, Jr. (U.S. Pat. No. 3,678,542, hereinafter "Prete") in view of McInerney.

On page 5 of the Office Action, claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Prete in view of McInerney, in further view of Christian. Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Prete in view of McInerney, and further in view of Monti (U.S. Pat. No. 3,676,901). Further, claim 6 was rejected under 35 U.S.C.

§103(a) as being unpatentable over Prete in view of McInerney, and further in view of Berg (U.S. Pat. No. 4,233,713).

On page 6, claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Prete in view of McInerney, and further in view of Dahlgren (U.S. Pat. No. 1,666,528). Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Prete in view of McInerney, and further in view of Plzak (U.S. Pat. No. 6,295,700). Claims 1-3, 8, 10 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Golds in view of McInerney.

On page 7 of the Office Action, claims 4 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Golds in view of McInerney, and further in view of Christian.

On page 8 of the Office Action, claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Golds in view of Monti. Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Golds in view of Berg.

On page 9, claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Golds in view of McInerney, and further in view of Monti. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Golds in view of McInerney, and in further view of Berg. Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Golds in view of McInerney, and further in view of Dahlgren.

On page 10, claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over McInerney in view of Miller (U.S. Pat. No. 1,100,389). Further, claim 7 was also rejected under 35 U.S.C. §103(a) as being unpatentable over Golds in view of McInerney, and in further view of Miller.

On page 11, claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Prete in view of McInerney, and further in view of Miller. Claim 17 was also rejected under

35 U.S.C. §103(a) as being unpatentable over Golds in view of Miller.

McInerney discloses a cable tie having a receptacle with an aperture therein. The receptacle further is provided with a number of teeth to prevent the free end of the cable tie from being removed from the receptacle. Golds discloses a surgical repair device comprising a buckle for holding a strap assembly for retaining split portions of human tissue to promote healing. Miller discloses a simple safety device for jewelry. The device consists of an open frame member and tongue for securing a braided band. The device allows for the band to be repeatedly put on and removed.

Berg, Prete, and Dahlgren disclose simple buckle mechanisms for fastening belts or straps. The lockable buckle in Berg consists of an exterior housing having a freely movable walking slide which forms a locking area for securing a belt passing through buckle. The buckle of Prete comprises a "u" shaped frame providing a seat for removable pressure plate having a serrated surface.

Christian discloses a parallel entry tie including a flexible strap having a locking head and a free end. The strap inserted into the locking head where it is engaged by a locking tab. Plzak teaches a buckle for maintaining tension in a serpentine article. The buckle includes a main buckle structure having an internal chamber and a rotatable cam mounted therein. Monti is directed to an adjustable, releasable webbing connector.

Applicant has amended independent claim 1 in order to recite a self-locking strap assembly. The assembly includes a buckle having an outer concave surface, a cavity and a passageway. A strap is secured to the buckle at a first position and adapted to be inserted into the passageway at a second position. A retainer is positioned within the cavity of the buckle such that the buckle covers the retainer and the retainer

is adapted to engage the strap such that movement in one direction of the strap in the passageway relative to the buckle is inhibited. Thus, amended independent claim 1 includes the cavity previously recited in claim 10. Further, independent claim 11 has been amended to recite features previously recited in claim 17, namely to include a separator including first and second apertures.

Applicant submits that independent claims 1 and 11, as amended, are neither taught nor suggested in view of the cited references. The Federal Circuit has held that rejecting patents solely by finding prior art corollaries for the claimed elements would permit an Examiner to use a claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention, which would be "an illogical and inappropriate process by which to determine patentability." Even seemingly simple changes require a finding of a suggestion in the prior art to make the modification to avoid the improper use of hindsight.

Furthermore, the Federal Circuit has repeatedly found that a factual inquiry on whether to combine references must be based on objective evidence of record, which has been reinforced in a number of decisions. Thus, a showing of a suggestion, teaching or motivation to combine the prior art references is an essential component of an obviousness holding.

Applicant respectfully submits that there is no finding of a motivation or incentive to combine the cited references to teach the features recited in amended claims 1 and 11. Embodiments of the present invention relate to providing a strap assembly to secure a person's limbs together in an arrest situation. Thus, it is important that the strap be able to move in only one direction relative to the buckle such that the person being arrested is unable to release the strap from the retainer.

Thus, independent claim 1 recites that the buckle covers the

retainer in order that a person does not have access to the retainer in order to release the retainer from the strap. If provided with such a releasing mechanism, a person being arrested would easily be able to release the strap assembly and escape. As is recited in claim 11, a separator including first and second apertures is provided in order to accommodate multiple limbs such as wrists or legs. Using the separator, a first loop can be used for a first limb, and a second loop can be used for a second limb. Having multiple loops decreases the chance that a person being arrested can slip through the strap assembly and escape. It is further submitted that none of the prior art reference cited are directed towards securing the limbs of a person. Thus, it appears that there is a lack of evidence for teaching or rendering obvious the features recited in claims 1 and 11.

As discussed above, claim 10 (wherein features thereof have been incorporated into claim 1) was rejected under the combination of McInerney and Plzak. Furthermore, claim 10 was rejected under the combination of Golds et al. and McInerney. Prete, Jr. describes a buckle for fastening belts or straps. The buckle includes a face 51 to engage a strap. However, the buckle also includes a release lever 45 to disengage face 51 from the strap. Thus, Prete, Jr. simply does not teach or suggest covering the retainer since the release of the strap would not be possible. McInerney also simply does not teach or suggest a retainer positioned within a cavity of a buckle such that the buckle covers the retainer. McInerney simply does not teach or suggest having a cavity that limits movement of a retainer relative to the buckle. Furthermore, Plzak teaches a cam having closed and open positions, which would make having a cover to prevent releasing the cam simply not taught or suggested. Thus, claim 1 is believed to be allowable.

With regard to claim 11, Applicant notes that the McInerney and Miller references teach different applications for

their respective devices. McInerney describes a cable tie wherein an end of the tie is inserted into a receptacle. Teeth located on the tie engage teeth in the receptacle, and, as a result, the tie cannot be easily removed. For example, the tie must be cut or stretched. As a result, one of ordinary skill in the art would be motivated to employ the device taught by McInerney only in applications where it will be required, and acceptable, to destroy the tie (e.g., cut or stretch the tie) for removal. In contrast, the device disclosed in Miller is configured to be used in applications where easy removal is required (such as in securing jewelry). In such applications it is desired that the band not be cut or stretched as replacement or repair is often expensive. Further, jewelry is commonly worn on multiple occasions. Thus there is a need for it to be capable of being easily put on and taken off. Accordingly, Applicant submits that McInerney teaches away from the use of the device in Miller and thus there is no motivation or incentive to combine the references.

Applicants also submit that there is no motivation or suggestion to combine the surgical strap assembly of Golds with the jewelry device of Miller. The surgical strap assembly of Golds is to be utilized after surgery that involves a median sternotomy (e.g., open heart surgery) where the sternum is split to allow access to the organs. The apparatus is used to rejoin human tissue to promote healing, etc. Due to the delicate nature of surgical procedures, it is desirous that devices used therein be of simple design and lack extraneous parts. Even Golds teaches that excess working lengths of straps are removed and thus teaches away from using the bridge of Miller (see col. 6, 11.39-41). As a result, one of ordinary skill in the art would not be motivated to combine additional parts, such as the separator in Miller, to a surgical device. Accordingly, Applicant submits that there is no motivation or incentive to combine the

surgical device of Golds with the jewelry device of Miller.

Applicant has added claims 19-21. With regard to new independent claim 19, a method of securing limbs of a person is recited that includes providing a buckle having an outer concave surface, a cavity and a passageway. A strap is secured to the buckle and configured to be inserted into the passageway. A retainer is positioned in the cavity such that the buckle covers the retainer. The cavity limits movement of the retainer relative to the buckle and the retainer is adapted to engage the strap to inhibit movement thereof. For reasons discussed above, the method of claim 19 is simply not taught or suggested by the prior art references. These references simply do not teach or suggest securing limbs of a person.

In view of the foregoing, Applicant respectfully submits that independent claims 1, 11, and 19, are allowable over the cited prior art. In addition, Applicant submits that dependent claims 2-10, 12-18, and 20-21 are also allowable at least based on their relation to their respective allowable independent claims. Further, Applicant believes that many of these dependent claims are independently patentable. In particular, claims 10 and 17, as amended, recite that the strap is inserted into the first and the second apertures of the separator before being inserted into the passageway. Applicant notes that the separator disclosed in Miller is fundamentally different from the separator recited in the claims. In particular, the strap in Miller is not inserted into a first and a second aperture in the separator before being inserted into the passageway up the buckle. In addition, Applicant notes that none of the other cited references teach or suggest the strap and separator recited in claim 7.

Applicant respectfully submits that claims 1-21 of the present application are in allowable condition. Reconsideration and allowance of all pending claims is respectfully solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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AMENDMENT TO THE DRAWINGS

Replacement sheet 1 is filed herewith illustrating FIG. 15.